



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

Case File: A-112-15

Property Address: 2520 Ratchford Drive

Property Owner: DD Mellowfield II, LLC

Project Contact: Michael Birch

Nature of Case: A request for a Special use permit to allow a swimming pool exceeding 4,000 Square feet pursuant to Section 10-2072 of the Part 10 Development Regulations on a 20.67 acre property zoned Office and Institution-2 Conditional Use District and Special Highway Overlay District-2.



2520 Ratchford Drive – Location Map

To BOA: 12-14-15

Staff Coordinator: Eric S. Hodge, AICP

ZONING

DISTRICTS: Office and Institution-2 Conditional Use District and Special Highway Overlay District – 2

Z-3-06 – Capital Boulevard and I-440, northwest side of Capital Boulevard, northwest of its intersection with I-440, being Wake County PINs 1715-53-5076; 1715-52-5191; and 1715-42-9946. Approximately 47.01 acres from Industrial-1 with Special Highway Overlay District-2 to Office and Institution-2 Conditional Use with Special Highway Overlay District-2.

Conditions dated: March 9, 2006

A. The following uses shall be prohibited on the subject property:

- (i) General uses:
 - (a) Cemetery
 - (b) Hospital
 - (c) Funeral home
- (ii) Conditional uses:
 - (a) Emergency shelter
 - (b) Special Care facility
 - (c) Telecommunication towers
- (iii) Special uses:
 - (a) All special uses required to be approved by the Board of Adjustment as specified in Code Section 10-2144 are prohibited, save and except for yard encroachments and yard reductions which are permitted with Board of Adjustment approval and save and except other professional offices not otherwise listed as allowed in the Office and Institution District by Code Section 10-2071.
 - (b) All special uses required to be approved by the Raleigh City Council as specified in Code Section 10-2145 are prohibited.

B. A SHOD-2 Natural Protective Yard shall be provided along the frontage of I-440 and the exit ramp to Capital Boulevard, which Yard shall have an average width dimension of fifty feet (50') and a minimum width dimension of twenty-five feet (25').

C. Prior to subdivision approval or the issuance of any building permit, whichever shall first occur, the owner of the property shall deed to the City a transit easement measuring twenty feet (20') long by fifteen feet (15') wide adjacent to

the public right-of-way to support a bus stop for future transit services in the area. The location of the transit easement shall be timely reviewed and approved by the Transit Division of the City and the City Attorney or his designee shall approve the transit easement deed prior to recordation in the Wake County Registry.

- D. Within fifty feet (50') of adjoining residential parcels, site lighting fixtures for parking areas shall not exceed sixteen feet (16') in height, unless located in a protective yard, where height of lighting fixtures shall not exceed twelve feet (12') in height. (All measurements shall be from finished grade.) Additionally, all such fixtures shall be of "Full Cut-Off" (shielded) design.
- E. Natural Protective Yards shall be provided (1) along the common line of the Property and the property now known as the Atlantic Place Condominium (PIN 1715427698; Deed Book 8008, page 334) and Atlantic Place II Condominium (PIN 1715427335; Deed Book 8851, page 2708 and PIN 1715427022; Deed Book 9247, page 776) and (2) along the common line of the Property and the parcel now owned by NC Eastern Municipal Power Agency and NC Municipal Power Agency Number 1 (PIN 1715532496; Deed Book 3502, page 544), which Natural Protective Yards shall have an average width dimension of twenty-five feet (25') and a minimum width dimension of twenty feet (20').
- F. Reimbursement for any required right-of-way dedication shall retain the current Industrial-1 value.
- G. The maximum height of any building or buildings upon the Property shall be limited to no more than one hundred twenty feet (120'); provided however, the building or buildings located within one hundred feet (100') of the common line of the Property and the properties now known as Atlantic Place Condominium (PIN 1715427698; Deed Book 8008, page 334) and Atlantic Place II Condominium (PIN 1715427335; Deed Book 8851, page 2708 and PIN 1715427022; Deed Book 9247, page 776) and the common line of the Property and the property now owned by NC Eastern Municipal Power Agency and NC Municipal Power Agency Number 1 (PIN 1715532496; Deed Book 3502, page 544) shall have a maximum height of sixty feet (60').
- H. Residential density upon the Property shall not exceed 1,200 dwelling units and office development upon the Property shall not exceed 350,000 square feet.



2520 Ratchford Drive – Zoning Map

SHOWINGS: In accordance with UDO §10.2.9 Special Use Permit, before a Special Use Permit request is granted, the Board of Adjustment shall show that all of the following are met:

1. The proposed use complies with all applicable provisions of this UDO unless otherwise expressly modified in accordance with this UDO;
2. The proposed use is allowed as a special use in the respective zoning district (see Chapter 6. Use Regulations);
3. The proposed use complies with any specific use standard listed in Chapter 6. Use Regulations without the granting of any variance to the specific use standard;
4. The proposed use is compatible with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics;
5. Any adverse impacts resulting from the proposed use in the affected area will be effectively mitigated or offset or the special use is denied;
6. Access with respect to pedestrian, bicycle and automotive safety, traffic flow and emergency service is adequate;
7. Signage is suitable and appropriate; and
8. Any appropriate dedications of streets and utilities to the public will be made prior to the issuance of a building permit.

Section 10-2072 Regulations for Conditional Use

(b) Uses Enumerated

Recreational use related to a residential development, other than a single-family dwelling unit.

Recreational uses related to residential development, other than a single-family dwelling unit, shall meet all of the following:

(1)

(1) Recreational use is limited to the *following* facilities: clubhouse, docks, exercise rooms, game and craft rooms, gymnasiums, party and reception rooms, pedestrian and equestrian trails, picnic areas, *play courts*, such as basketball, racquetball, and tennis courts, golf courses, driving ranges, *play fields*, playgrounds, sauna baths, swimming pools, tanning facilities.

Cross reference: Horse stalls are allowed on individual *lots* as an *accessory use* to a residence, [§10-2071](#).

(2)

(2) These uses are allowed only as part of a *multi-family or group housing development, or cluster unit development, townhouse development, residential unit ownership (condominium) development, manufactured home park, congregate care or congregate living structure, or life care community*, except that in Rural Residential, Residential-2, Residential-4, and Special Residential-6 Districts, such uses are allowed only as part of a *cluster unit development*.

Cross reference: Planned residential developments, Article F.

(3)

(3) Nonresident memberships or fees paid by the general public *shall* not be permitted. This prohibition *shall* not be construed to disallow membership fees for residents of the development and their guests made on an installment basis of not less than monthly, rather than on any pay-for-use, hourly, daily or weekly basis. Membership fees are allowed for any *recreational use related to a residential development* if it also complies with all regulations of a *recreational use restricted to membership, either commercial or not for profit*.

(4)

(4) The recreation facilities *shall* be owned by either a not for profit organization, a homeowners association, or apartment project owner.

(5)

(5) No more than twenty-five (25) per cent of any minimum outdoor open space required by this code *shall* be covered by *impervious surfaces*.

(6)

(6) Any active recreational use such as a swimming pool or wading pool, diving area, outdoor *play court*, outdoor *play field* or equipment areas, or any driveway or parking areas for such facilities *shall* contain a *transitional protective yard* conforming

to [§10-2082.9](#) standards for medium impact uses, except that this subsection *shall* not apply to *dwelling*s within a *group housing* or *multi-family development*, or *cluster unit development*, *townhouse development*, *residential unit ownership (condominium) development*, *manufactured home park* or *manufactured home subdivision*, *congregate care* or *congregate living structure*, or *life care community* served by the recreation uses.

(7)

(7) Any pool with any linear dimension greater than sixty-five (65) feet or with any area in excess of four thousand (4,000) square feet *shall* first be approved by the Raleigh Board of Adjustment as a special use permit in accordance with [§10-2144](#), *recreational use restricted to membership - not for profit*.

(8)

(8) No signage, storage, merchandise, or display including display windows *shall* be visible from outside the facility.

(9)

(9) As part of a *cluster unit development* or *townhouse development* said recreation uses *may* be located on a separate *lot* only if the recreation facility is located on common open space owned by the homeowners association that either adjoins or is directly opposite the development for at least fifty (50) per cent of the perimeter of said open space.

(10)

(10) No illumination from the recreation uses *may* exceed four-tenths (0.4) maintained foot candles when measured outside the residential development.

(11)

(11) Off-street parking for the recreational uses *shall* be provided in accordance with [§10-2081](#). The off-street parking spaces required to be maintained for the recreational facilities *shall* be in addition to the spaces required for the *dwelling*s. However, the number of parking spaces required by [§10-2081](#) for recreation uses *may* be reduced by the ratio of the total parking required for the *dwelling*s that are located within four hundred (400) feet of the recreation use to the total required off-street parking for all *dwelling*s in the residential development.

(12)

(12) Any sale of merchandise, *eating establishments*, or similar uses which are open at hours different from the recreational use and serve customers other than those using the recreation use *shall* meet the standards of related residential services of this section [§10-2072](#).

Cross references: Restrictions on archery inside *City Limits*, [§13-2029](#); fencing of outdoor swimming pools, [§13-2028](#).

Section 10-2144. Special Use Permits Approved by the Board of Adjustment
(b) Special Use Permits Enumerated.

Recreational use restricted to membership - not for profit.

To permit in Agricultural Productive, Residential Business, and *residential districts*, except in the *primary reservoir watershed protection area*, recreation uses restricted to membership after the Board finds that the evidence presented at the hearing establishes each of the following:

(1)

Recreation is limited to the following uses: athletic league fields, campgrounds, country clubs, docks, gymnasiums, health clubs and health spas, including clubhouse facilities, pedestrian and equestrian trails, *play courts* such as basketball, racquetball, and tennis courts, golf courses, driving ranges, *play fields*, playgrounds, swimming pools, tanning facilities, weight and exercise rooms.

(2)

The use will not be injurious to *property* or improvements in the *affected area*.

(3)

The use is not noxious or offensive by reason of emission of odors, gas, fumes, vibration or noise.

(4)

The *street* capacity adjacent to the *property* to be so used is sufficient to safeguard the public health, comfort, convenience as *may* be required for the preservation of the general character of the neighborhood in which such *building* is to be placed or such use is to be conducted.

(5)

No swimming pool or wading pool, diving area, outdoor *play court* such as a tennis or basketball court, *play field*, play or equipment area, or other active recreational use nor any driveway or parking area for such facilities *shall* be established without first providing *transitional protective yards* which conform to §10-2082.9 for medium impact uses.

Cross reference: Fencing of outdoor swimming pools inside the *City* limits, [§13-2028](#).

(6)

Off-street parking *shall* be provided in accordance with [§10-2081](#).

(7)

No illumination, when measured off the recreation site, *shall* exceed four-tenths (0.4) maintained footcandle of lighting.

(8)

The land area of the use is not needed to satisfy the minimum site size of a development according to [§10-2073](#).

(9)

Payments, if any, for the use of recreational facilities are made on an installment basis of not less than monthly, rather than on any pay for use, hourly, daily, or weekly basis.

(10)

The sale of merchandise is allowed as a *residential related service* restricted to members.

A-112-15



Planning & Development

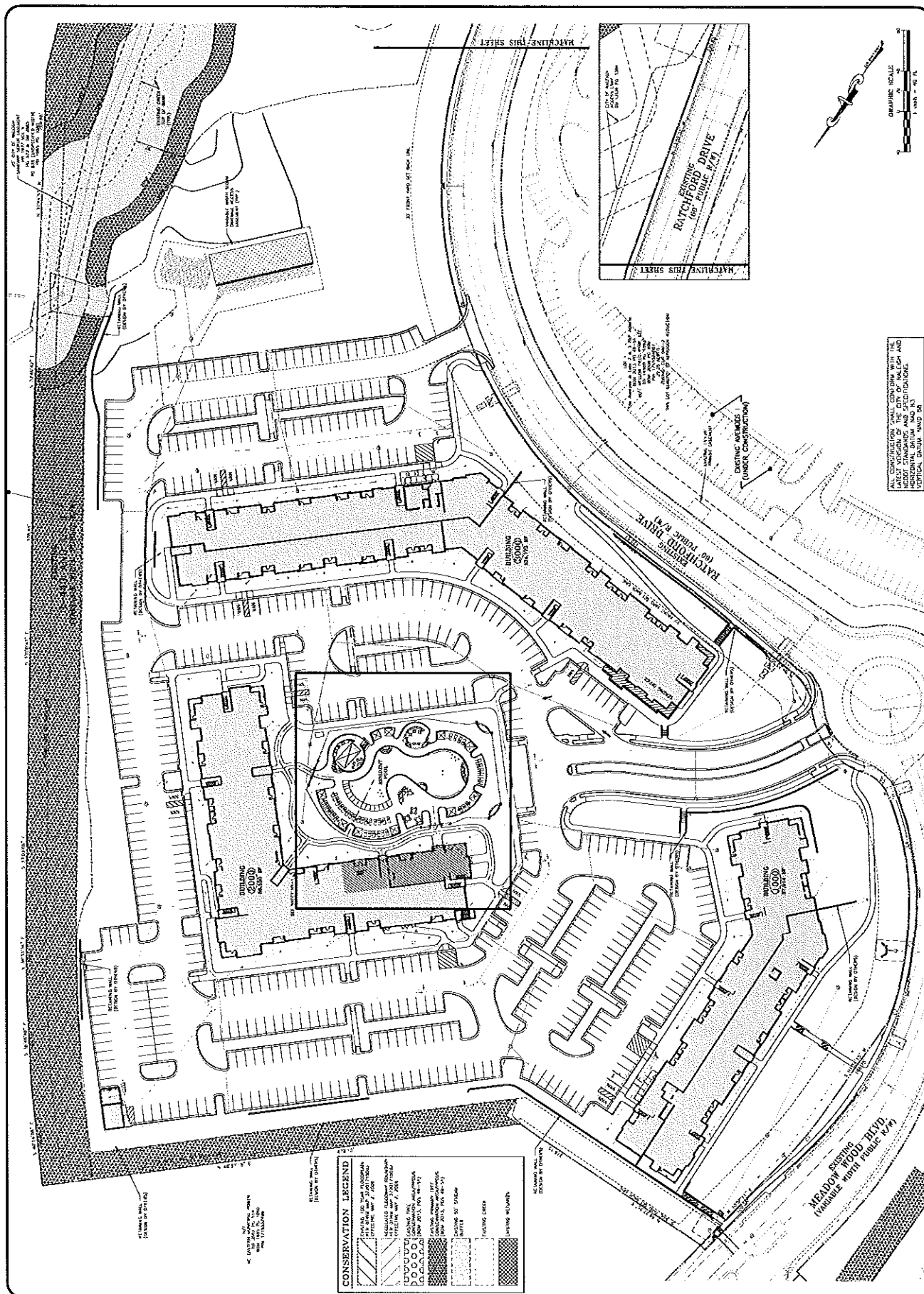
Development Services
Customer Service Center
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

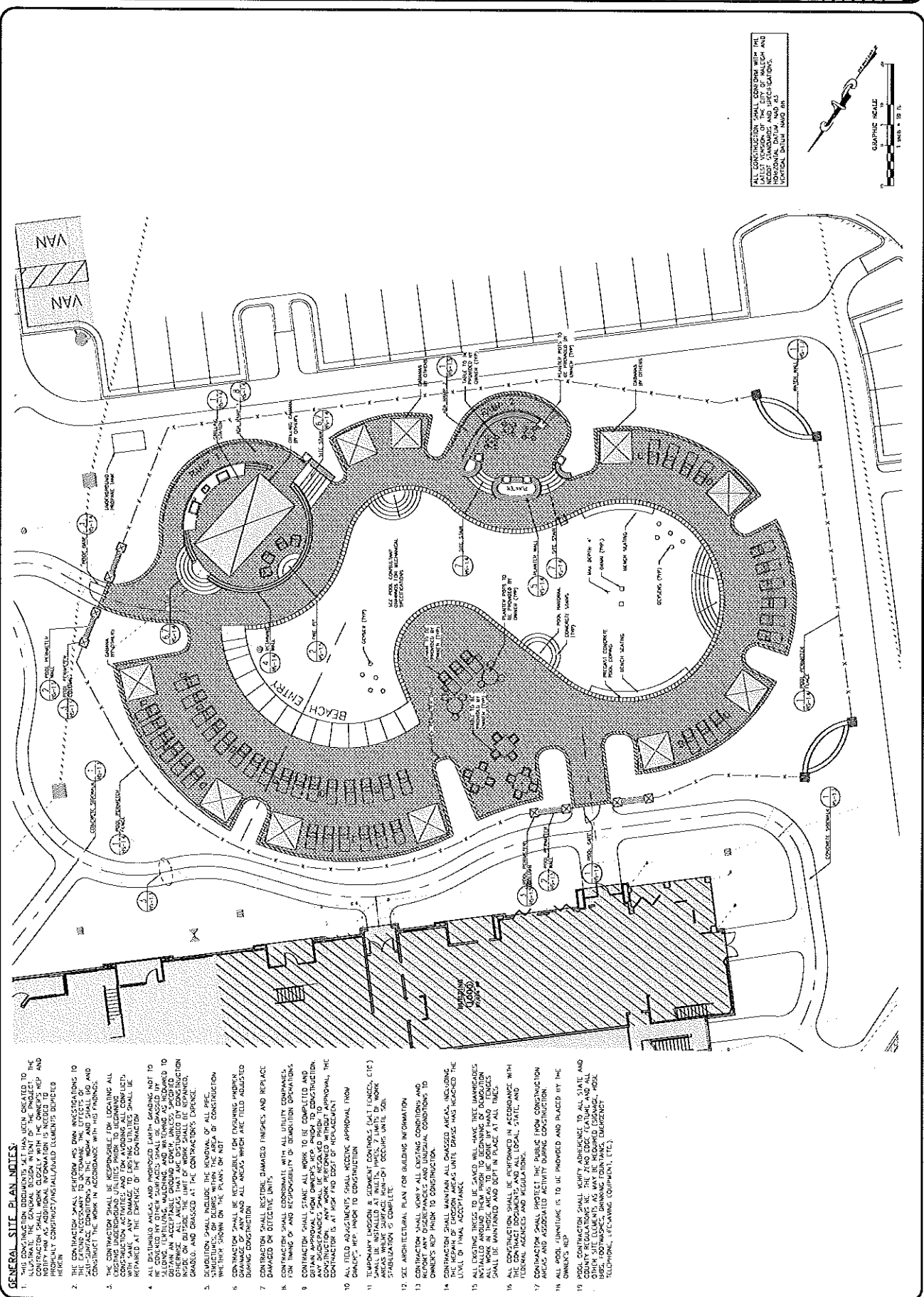
Special Use Permit Application

		OFFICE USE ONLY
Nature of request (Submit addendum on separate sheet, if more space is needed.) SUP application for a swimming pool exceeding 4,000 SF proposed for construction as part of a multi-family apartment complex.		Transaction Number
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. If this property was the subject of a previous special use permit request, provide the case number. Group Housing - 384071; Concurrent CD & Final Site - 399868		

GENERAL INFORMATION			
Property Address 2520 Ratchford Drive Raleigh, NC		Date 11-10-15	
Property PIN 1715527746		Current Zoning CUD O&I-2	
Nearest Intersection Meadow Wood Blvd & Ratchford Drive		Property size (in acres) 20.67-ac	
Property Owner DD Mellowfield II, LLC <i>By: Morrow Investors, Inc. Manager</i>		Phone 770-474-4345	Fax 770-474-5213
Project Contact Person Brian Purdy		Phone 919-361-5000	Fax 919-361-2269
Property Owner Signature <i>By Fred S. Hazel, Vice President</i>		Email purdy@mcadamsco.com	
Notary		Email william@davisdevga.com	
Sworn and subscribed before me this <u>10th</u> day of <u>November</u> , 2015		Notary Signature and Seal 	

It is improper to contact any member of the Board of Adjustment prior to the disposition of a case to discuss the request. A Special Use Permit Application will not be considered complete until all required submittal components listed on the Special Use Permit Checklist have been received and approved.





GENERAL SITE PLAN NOTES:

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE, AND FEDERAL AGENCIES AND REGULATORY BODIES PRIOR TO THE BEGINNING OF CONSTRUCTION.
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